



INTEROFFICE MEMORANDUM CITY OF DANIA BEACH

TO: Mayor, Marco Salvino, Sr.
Vice Mayor, Bobbie H. Grace
Commissioner Chickie Brandimarte
Commissioner Walter B. Duke
Commissioner Albert C. Jones

FROM: Robert Baldwin, City Manager

DATE: January 9, 2015

SUBJECT: AIRPORT INTERLOCAL AGREEMENT – Status Report

This document has been prepared to provide a summary and update of relevant provisions in the City/County Airport Interlocal Agreement. The document should be considered a DRAFT at this time, pending the completion of certain information or finalization of certain programs. Updated documents will be provided as the final information is available.

I. SOUNDPROOFING

A. Status

1. *Statistics as of August 2014 (unless otherwise stated)*
 - a) *1,706 residences are eligible*
 - b) *1,168 residents have been invited to participate*
 - c) *955 participating*
 - d) *121 units completed*
2. *Duration of time for BCAD to complete sound insulation for a home is 18 – 24 months*
3. *Average duration of time for permitting and construction is 30 days*
4. *The average cost per home is \$56K*
5. *Total BCAD budget for the sound insulation is \$116M*
6. *Recent meetings between the City and BCAD staff have indicated that BCAD will streamline their procedures and increase the number of homes in each group as an effort to expedite the sound insulation process.*

Additional details on this matter will be provided when they become available.

7. *Flood Zones: BCAD's bid packages for Groups D, E, F and H were recently delayed and modified because BCAD and their contractors failed to include the regulatory aspects of the Federal, State and local policies and requirements for the permitting of construction for homes located in a flood zone. Of the 352 homes of the recent groups, 90 homes were determined potentially affected by Flood Plain Management policies and regulations. The 90 homes are located in a FEMA designated flood zone and are estimated to have a finished floor (FF) elevation less than the required base flood elevations (BFE). Homes with these conditions may proceed as proposed, provided there is evidence the FF is one (1) foot above the designated BFE and/or if FEMA approves a Letter of Map Amendment (LOMA). Furthermore, the value of the sound proofing construction for the homes in a flood zone cannot exceed 50% of the market value of the structure. Federal, State and Local policies and regulations prohibit the City from issuing building permits for homes in the flood zone if the cost of improvements exceeds the "50% rule" and the FF is below the BFE. Variances to these regulations may be considered by the City however, FEMA has stated that any variance will jeopardize the 5% premium discount for flood insurance policies for all property owners in the City.*

The City and BCAD's staff are meeting with the affected property owners to resolve these matters. However the time expected to resolve these issues for some properties will delay the sound proofing process. Lastly, due to the flood conditions and value of some homes (estimated 10 to 25 homes in the current groups) will not be eligible for the soundproofing program as it currently exists. Regrettably, BCAD has indicated at this time, that these property owners will not receive any sound mitigation benefits.

B. Summary of Program

1. Airport Settlement Agreement calls for BCAD to offer soundproofing for all eligible single family and multifamily residential units (approximately 1706 homes). Sound proofing generally involves the installation of impact resistant, sound proofing windows & doors, as well as the conversion of window mounted and insufficient A/C units to new central A/C systems.
2. BCAD is responsible for the sound insulation program. Dania Beach has no role in the administration or implementation of the program. Dania Beach has expedited the building permit and inspection process for these permits.
3. BCAD is sound proofing homes in groups of 100, based on location and noise contours. The homes impacted with the greatest noise closest to the airport are scheduled first.
4. BCAD's goal is to complete 400 houses per year

5. Assuming full participation (i.e., every house eligible for sound insulation receives it), BCAD Amended Noise Mitigation plan projects completion of all sound insulation by late 2017
6. Settlement Agreement provides no provision or leverage by the City to speed up soundproofing; any efforts by the City will need to be outside of legal channels.

II. SALES ASSISTANCE AND CONVEYANCE AND RELEASE (CAR) PROGRAMS

A. Status

1. *BCAD has drafted procedure manuals for both programs; The FAA has approved the manuals.*
2. *BCAD has indicated that it will begin to implement the sales assistance and CAR program in spring 2015.*
3. *Only houses which are sound-insulated may participate in the programs, so the schedule for implementation turns on the pace of sound insulation.*
4. *BCAD's budget for Sales Assistance and CAR program is \$70M*

B. Summary of Programs

1. Outline of Sales Assistance Program

- a) Only available to homeowners in the 65+ DNL contour (~857 homes)
- b) After sound proofing, if an eligible homeowner wants to sell their house, then BCAD will provide up to 25% of FMV (Fair Market Value) to facilitate a sale (i.e. if buyers won't offer FMV, then BCAD will make up the difference)
- c) The program only allows for limited participation each year (20 to 30 properties per year)

2. Outline of the CAR Program

- a) This program is an alternative to the sales assistance program, and is also available only to homeowners in the 65+ DNL contour (~857 homes)
- b) Once eligible homeowners get sound insulated, or are determined not to need sound insulation, they can then get a cash payment in return for a "Conveyance and Release Agreement" (i.e., a release of claims and avigation easement)
- c) Payments are 14.4% of FMV for those receiving BCAD sound insulation, and 21.9% of FMV for those not needing sound insulation

- d) FMV determined by a home appraisal, which will calculate the value of the house excluding the effects on home value of the new south runway expansion and sound insulation.
- 3. **BCAD is responsible for the CAR program**
 - a) BCAD must formulate the program (e.g., train appraisers; determine approaches to determining FMV, etc.
 - b) BCAD also must administer the program
 - c) Dania Beach is not involved in the program. BCAD must reach agreements with individual homeowners, not the City to implement the program.

III. Other Items in Airport Agreement

A. Summary and Status

- 1. Voluntary night closures for the south runway: commercial flights on the runway will not be allowed from 10pm to 5am, with the following exceptions:
 - a) As necessary as determined by the pilots or control tower
 - b) During construction or maintenance of the north runway; for emergency, efficiency or safety reasons determined by pilots, the control tower or Airport Director.

Status: The Airport Director has stated the airlines, FAA and control tower have agreed with the voluntary night closures with the noted exceptions.

- 2. Part 150 Noise Study: A Part 150 Noise Study will commence no sooner than May 2016. This study will include actual noise and flight data that may assist future flight operations and mitigation for noise reductions if needed.

Status: Pending May 2016 commencement.

- 3. Mobile Home Park Acquisition: The mobile homes cannot receive sound insulation. BCAD pursued voluntary acquisition of the Ocean Waterway Park on Old Griffin Road and the Sheldon Mobile Home Park on West Griffin Road.

Status: BCAD did not purchase the above mentioned mobile home parks and has ceased negotiations with park owners.

- 4. No Agreement to Purchase Property: BCAD is not required to use eminent domain to purchase any properties as an airport compatibility or noise mitigation measure. BCAD may reconsider this matter if the Part 150 Study identifies incompatible land uses and a need to purchase properties if such acquisition is eligible for Federal funding.

Status: Pending the results of Part 150 Study.

5. Escheated Properties: Several properties in the City are owned by Broward County as a result of tax liens, code enforcement fines, unclaimed properties etc. These properties are twelve (12) small properties in the Northwest portion of the City. These properties will be given to the City without a requirement that the land be used for affordable housing. The City can subsequently sell these properties.

Status: Transfer ownership to the City is in progress.

6. Plat 7 and 8: Special Airport Counsel Neal McAliley was recently contacted by an FAA attorney, to address the provision in the Agreement under which the City sought lost property tax revenues for the parcels lying within areas known as Plats 7 and 8 (west of I-95, south of I-595, near J.J. Kelly's property). The City claimed lost tax revenues in the amount of \$278,000.00.

Status: The FAA claims it cannot fund payment for tax revenue losses, but that it may be amenable to another form of compensation, such as partial reimbursement of the City's legal bills in connection with the lawsuit that led to the Agreement. Negotiations with the County and the FAA are pending on this item.

7. Trails End Site: The property located at the SW corner of Griffin Road and US1 is in the County's jurisdiction and is owned by BCAD. Following completion of the south runway the County will seek input from the City regarding the plans and future use of the property.

Status: The site is currently being used by BCAD to process rock and fill material for other construction projects at the airport. It may also be used for staging purposes and concrete manufacturing. These uses may continue until March 2018. According to the December 23, 2014 correspondence from the Airport Director: BCAD and the contractors on the site have obtained all the necessary permits and the activities being conducted are in compliance with all applicable regulations and requirements of such permits. BCAD is monitoring compliance. Further, the Airport Director indicates that the contractors are required to conduct all work in compliance with Broward County codes and that Best Management Practices (BMP's) are employed to limit or reduce impacts to adjacent properties. The City is in the process of reviewing the construction activities and permits to determine if the activities comply with the Broward County codes and permit requirements.

8. Other County Properties: The City Attorney and Special Counsel (Neal McAliley) are coordinating with the FAA, FDOT and BCAD to maximize restoration of vacant lands (taken by the County years ago by eminent domain) to the tax rolls, so affected parcels can be redeveloped. FDOT has claimed a large number of parcels are needed for its I-95 Express Lanes Phase 3 Project (a copy of an FDOT July 24, 2014 letter and associated aerial maps are attached).
9. Taylor Lane Drainage: Drainage problems in this area may have been exasperated by the south runway project. The County will provide up to \$450K in the form of in-kind services (earth work) to assist storm water

management services. BCAD's work on Taylor Lane has been pending since February 2014.

Status: According to BCAD: work by the BCAD contractor is expected to commence January 5, 2015. The earth work, swale, grading and drainage facilities will take 60 days to install. The City's contractors will pave the re-graded Taylor Lane roadway upon completion by BCAD's work.

10. City Entrance sign at Griffin Road and US1: The existing entranceway at Griffin/US1 is being modified for additional roadway travel lanes in connection with the airport expansion. The County has agreed to pay the City up to \$250K to reimburse the City's cost to design, construct and landscape a new entranceway feature at the intersection.

Status: BCAD's modification to the existing entranceway is underway. The City has contracted with architect Anthony Abatte to design a new entranceway feature. Construction of the new sign will be completed by a City contractor.

11. Melaleuca Neighborhood Wall Maintenance: The wall is located in a FDOT right-of-way in un-incorporated Broward County. The County has agreed to maintain the landscaping and irrigation on the north and south sides of the wall, as well as the landscaping on Griffin Road. FDOT will maintain the wall.

12. CRA Loan Revision: As a related matter (but not listed in the Settlement Agreement).

Status: The County agreed to amend four loan documents (totaling \$5.3 million) given to the City and the Dania Beach Community Redevelopment Agency extending the interest free period from five to eight years; delaying the start of loan repayments by three years; and extending the loan term by three years. The City previously had estimated that it would need to make payments of \$1.1 million over three years starting in 2015. The extension of the loan repayment date also will give the City additional time to reach certain redevelopment benchmarks, which if reached, will result in all or a portion of the \$5.3 million in loans converting to grants (i.e., no loan repayment required).

#CD-15-161
Attachments

cc Colin Donnelly, Assistant City Manager
Tom Ansbro, City Attorney



Florida Department of Transportation

RIK SCOTT
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421

ANANTH PRASAD, P.E.
SECRETARY

July 24, 2014

Kent G. George, A.A.E.
Director of Aviation
Broward County Aviation Department
2200 SW 45th Street, Suite 101
Dania Beach, Florida 33312

**SUBJECT: Fort Lauderdale-Hollywood International Airport (Airport)
Request to Release and Sell FDOT Grant-Acquired Parcels**

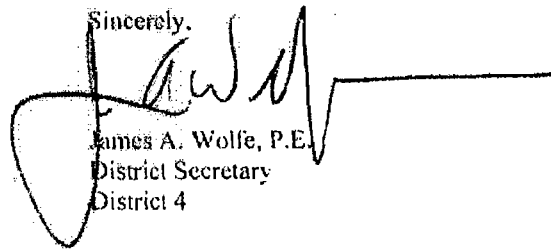
Dear Mr. George:

We received your letter dated July 9, 2014, inquiring as to the Department's final determination of need for various FDOT grant-acquired parcels near the Airport. Of the requested parcels, we have determined that parcel 1382 can be released and sold.

Parcels 1001-1007, 1010, and 1012-1015 are necessary for the I-95 Express Lanes Phase 3C project. These parcels are needed to accommodate the drainage and permitting requirements associated with the expansion of the I-595 viaduct, and would be utilized as dry detention facilities interconnected with the existing I-595 stormwater management system which ultimately discharges westerly to the South Fork of the New River. Utilization of these parcels for I-595 drainage would be in perpetuity.

The Department's intent is to acquire parcels 1001-1007, 1010, and 1012-1015 from the Airport for fair market value. If you have any additional questions, please feel free to contact the Department I-95 Express Phase 3 Project Manager, Robert Bostian, at (954) 777-4427.

Sincerely,



James A. Wolfe, P.E.
District Secretary
District 4

JW/lm

cc: Rebecca Henry, FAA
Robert Bostian, FDOT
Cheryl Balogh, FDOT
Birgit Olkuch, FDOT
Laurie McDermott, FDOT

Tracker No. 14-07006

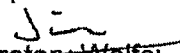


AVIATION DEPARTMENT - Fort Lauderdale/Hollywood International Airport
2200 SW 45th Street, Suite 101 • Dania Beach, Florida 33312 • 954-359-6100

July 9, 2014

Jim Wolfe, District Four Secretary
Florida Department of Transportation
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

RE: Fort Lauderdale-Hollywood International Airport (Airport)
Request to Release and Sell FDOT Grant-Acquired Parcels

Dear  Secretary Wolfe:

On February 20, 2014, the Broward County Aviation Department requested Florida Department of Transportation (FDOT) approval to release and sell FDOT grant-acquired parcels ("Parcels") depicted in **Attachment 1**.

This request to release the attached properties was made pursuant to the requirements of an Interlocal Agreement entered into between Broward County and the City of Dania Beach (City), effective November 25, 2013, and the City's desire to have the properties returned to their tax rolls. Enclosed is a copy of the pertinent section from the Interlocal Agreement (**Attachment 2**).

In correspondence dated March 11, 2014 (**Attachment 3**), you concurred with the release and sale of some of the Parcels, but withheld concurrence for the following Parcels:


- Parcels 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1012, 1013, 1014, 1015, and 1382.

You indicated that these Parcels may be needed for upcoming FDOT projects on Ravenswood Road and I-595/I-95, and that "FDOT should know within the next few months if it will need any of these parcels."

The City recently requested a status update regarding the release and sale of the Parcels. To facilitate a response to the City's request, I am writing to ascertain if FDOT will need any of the above-identified Parcels for its road projects. If so, please specify which Parcels will be needed, the purpose for which they will be needed, and the estimated duration of their use by FDOT.

Please contact me to answer any questions you may have.

Sincerely,



Kent G. George, A.A.E.
Director of Aviation

KGG/JR/ml

Attachments:

Attachment 1, Parcels

Attachment 2, Interlocal Agreement

Attachment 3, FDOT letter, dated March 11, 2014

C: Tom Ansbro, Counsel for City of Dania Beach
Neal McAiley, Counsel for City of Dania Beach
Andrew Meyers, Chief Appellate Counsel
Chris Lee, Senior Assistant County Attorney
James Rowlee, Senior Assistant County Attorney

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PLATS 7 & 8

BCAD Properties Within Dania Beach

Fort Lauderdale-Hollywood
International Airport
(FLL)

BROWARD COUNTY
AVIATION DEPARTMENT
2200 SW 45 Street, Suite 101
Dania Beach, FL 33312
1-954-FLY-FLL
www.FLL.net

Legend

BCAD Properties

-  Within Plat 8
(Hatched pattern one within plat)
-  Within Plat 7
(Hatched pattern one within plat)

-  Municipal Boundary
-  Runway Protection Zone (RPZ)
-  Inner Approach
-  Obstacle Free Zone (OFZ)
-  Part 77 Approach

0.35° W
July 2013

True North
Magnetic North

Transverse Mercator
NAD 83
State Plane Florida East

FOR PLANNING PURPOSES ONLY
NOT A SURVEY

Aerial Source:
Broward Co Property Appraiser's Office
Aerial Flight Date: 12/27/2012

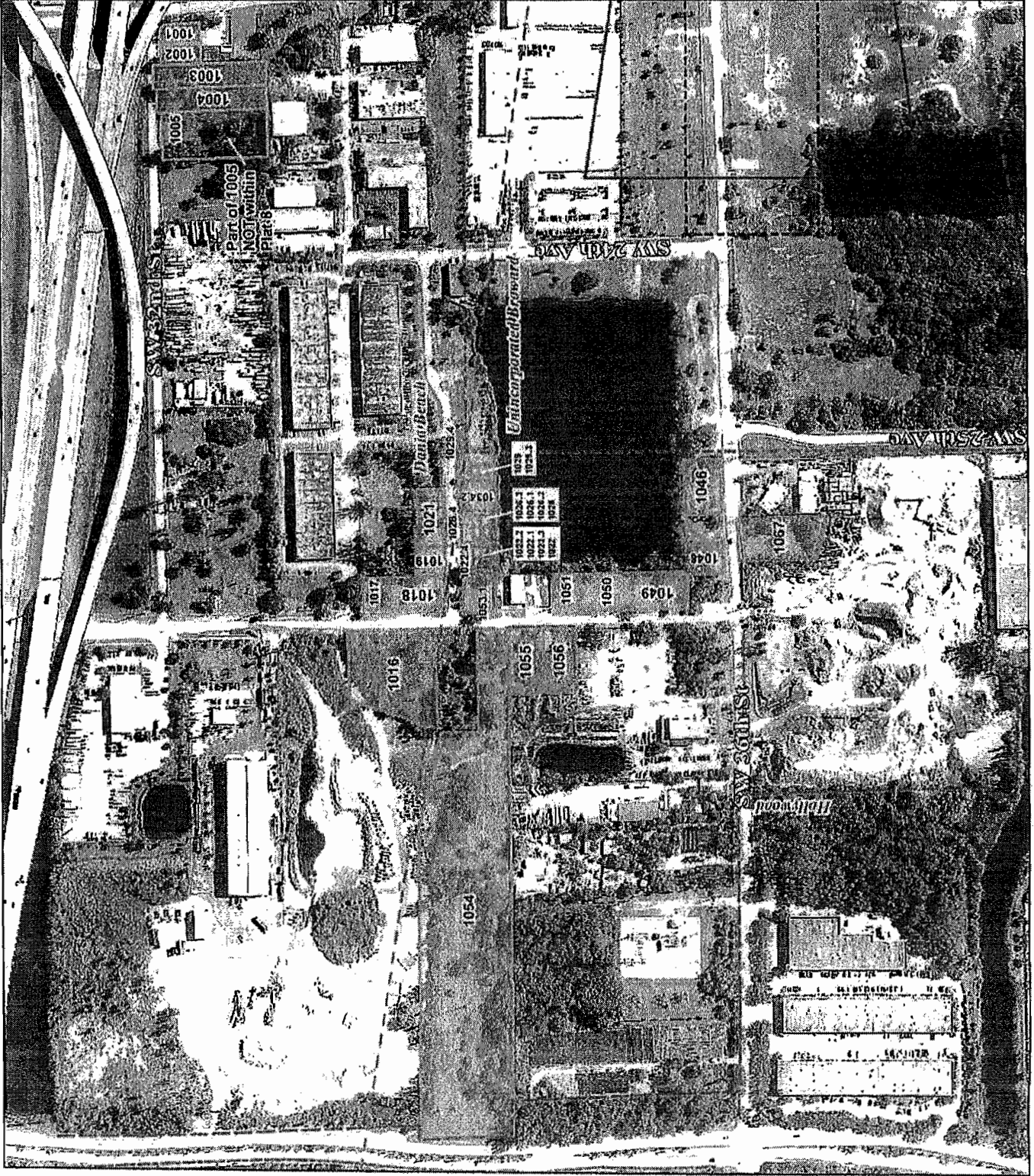
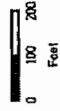


EXHIBIT E






Sheet 1 of 2

BCAD Properties Within Dania Beach

Fort Lauderdale-Hollywood
International Airport
(FLL)

BROWARD COUNTY
AVIATION DEPARTMENT
2200 SW 45 Street, Suite 101
Dania Beach, FL 33312
1-866-HFLY-FLL
www.FLL.net

Legend

-  BCAD Properties
(Shaded portions are those referred to as "Exhibit E Properties")
-  Municipal Boundary
-  Runway Protection Zone (RPZ)
-  Inner Approach Obstacle Free Zone (OFZ)
-  Part 77 Approach

6.35°W
July 2013
True North
Magnetic North

Transverse Magnetic
NAD 83 HARN
State Plane Florida East

FOR PLANNING PURPOSES ONLY
NOT A SURVEY

Aerial Source:
Broward Co Property Appraiser's Office
Aerial Flight Date: 12/27/2012

0 100 200
Feet



Map prepared by BCAD Planning, 2/19/14

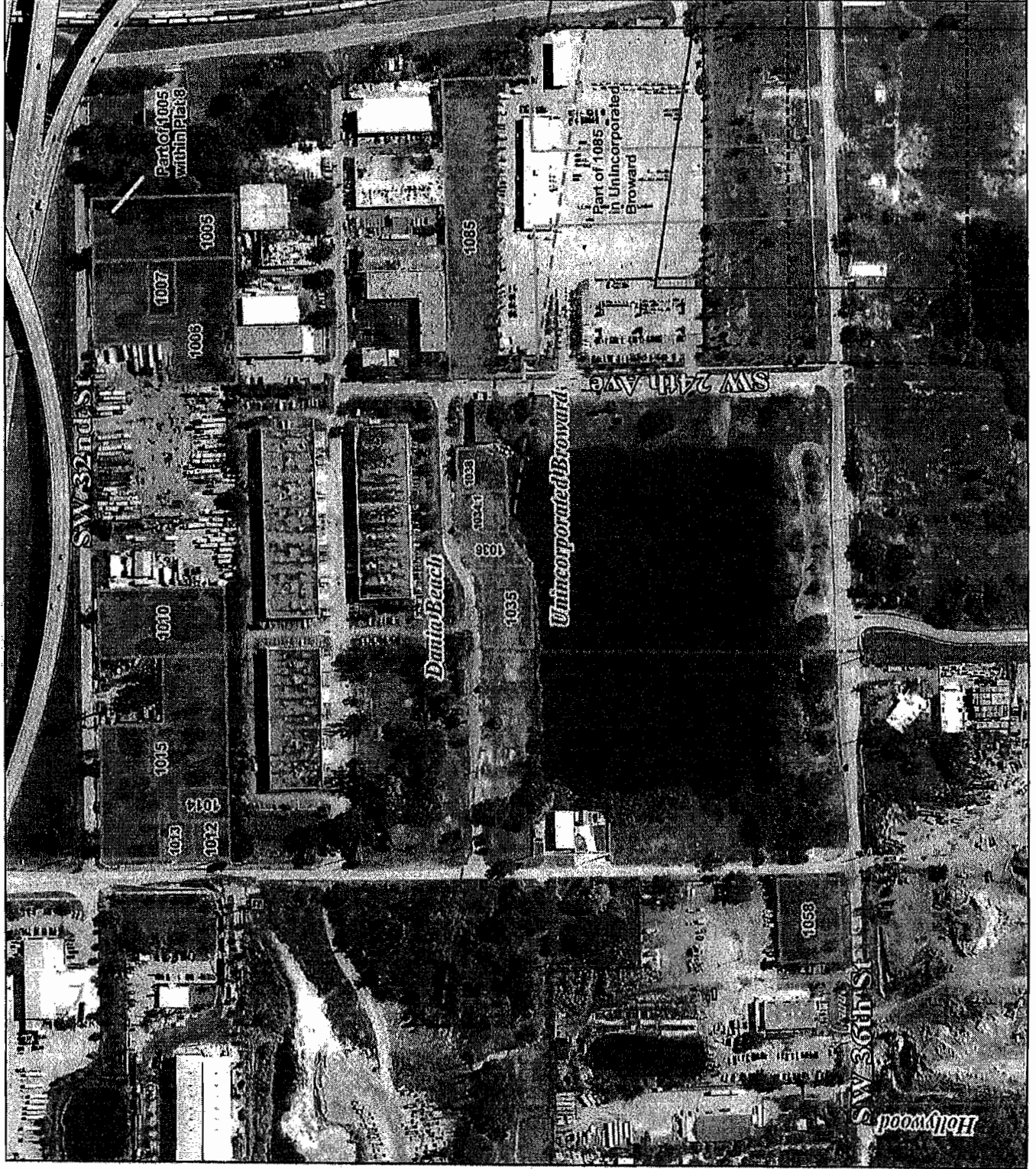


EXHIBIT E






Sheet 2 of 2

BCAD Properties Within Dania Beach

Fort Lauderdale-Hollywood
International Airport
(FLL)

BROWARD COUNTY
AVIATION DEPARTMENT
2200 SW 45 Street, Suite 101
Dania Beach, FL 33312
1-866-FLY-FLL
www.FLL.net

Legend

-  BCAD Properties
(Shaded portions are
those referred to as
"Exhibit E Properties")
-  Municipal Boundary
-  Runway Protection Zone
(RPZ)
-  Inner Approach
Obstacle Free Zone
(OFZ)
-  Part 77 Approach

633°W
July 2013

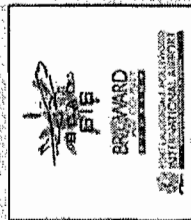
True North
Magnetic North

Transverse Mercator
NAD 83 1480N
State Plane Florida East

FOR PLANNING PURPOSES ONLY
NOT A SURVEY

Aerial Source
Broward Co Property Appraiser's Office
Aerial Flight Date: 12/27/2012

0 100 200
Feet



Map prepared by SCDF Planning, 2/12/14

